



## UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Sergio Antonio CASTANEDA-Elizalde,

Defendant.

Magistrate Case No.: **'08 MJ 8338**

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960  
Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

That on or about April 21, 2008, within the Southern District of California, defendant Sergio Antonio CASTANEDA-Elizalde did knowingly and intentionally import approximately 24.74 kilograms (54.43 pounds) of cocaine a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

  
\_\_\_\_\_  
Special Agent  
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22ND,  
DAY OF APRIL 2008.

  
\_\_\_\_\_  
PETER C. LEWIS  
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA  
2 v.  
3 Sergio Antonio CASTANEDA-Elizalde

4 STATEMENT OF FACTS

5 This statement of facts is based on the reports, documents, and notes furnished  
6 to US Immigration and Customs Enforcement Special Agent Reuben McDowell.

7 On April 21, 2008, at approximately 2010 hours, Sergio Antonio CASTANEDA-  
8 Elizalde entered the United States at the Calexico, California East Port of Entry.  
9 CASTANEDA-Elizalde was accompanied by his wife Edna Lizeth Carrillo-De  
CASTANEDA and their three minor children.

10 Customs and Border Protection (CBPO) Canine Enforcement Officer (CEO) J.  
11 Jones was conducting a pre-primary roving operation with his assigned Human/Narcotic  
12 Detector Dog (HNDD). The HNDD alerted to the vehicle. CBPO S. Apolinar received a  
13 negative oral Customs declaration from CASTANEDA. CASTANEDA stated that the  
14 vehicle belonged to his comadre Tomas Galindo. CASTANEDA stated that Galindo  
15 lent him the vehicle. CBPO Apolinar had the vehicle and the occupants referred to the  
secondary inspection area.

16 In the secondary inspection area, CBPO Apolinar obtained a second Customs  
17 declaration from CASTANEDA. CASTANEDA was escorted into the secondary  
18 inspection office where a patdown search for weapons and merchandise was  
19 conducted. CBPO Apolinar discovered a small black pouch containing a lighter, glass  
20 pipe and 2.5 grams of a white powdery substance which field tested positive for  
21 methamphetamine. The inspection was turned over to CBPO R. Marroquin for further  
22 processing.

23 CBPO Marroquin received a negative Customs declaration from CASTANEDA.  
24 A subsequent inspection by CBPO Marroquin revealed 22 packages located in the dash  
25 of the vehicle. One of the packages was probed and a sample of a white powdery  
26 substance was obtained, which field tested positive for cocaine. The 22 packages had a  
27 combined net weight of approximately 24.74 kilograms (54.43 pounds).

28 CASTANEDA was placed under arrest and advised of his Constitutional Rights  
29 according to Miranda, which he acknowledged and waived, agreeing to answer

1 questions. CASTANEDA admitted knowledge of the drugs found in the vehicle.  
2 CASTANEDA stated that he thought the drugs were marijuana. CASTANEDA  
3 exonerated his wife Carrillo-De CASTANEDA and stated she did not know anything  
4 about the smuggling venture.

5 Edna Lizeth Carrillo-De CASTANEDA stated she did not know anything about  
6 the narcotics found in the vehicle. Carrillo-De CASTANEDA was subsequently  
7 released along with their three children.

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